

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HERBERT GILES,

Petitioner,

Case Number 2:14-cv-13700

Honorable Victoria A. Roberts

v.

RANDY HAAS,

Respondent.

**OPINION AND ORDER DENYING MOTION FOR RECONSIDERATION [Dkt. 6]; AND
DENYING APPLICATION FOR LEAVE TO PROCEED ON APPEAL IN FORMA
PAUPERIS [Dkt. 9]**

Petitioner, Herbert Giles, a state prisoner, filed this case under 28 U.S.C. § 2254. On October 2, 2014, the Court summarily dismissed the petition, denied a certificate of appealability, and denied permission for leave to appeal in forma pauperis. Presently before the Court are Petitioner's motions for reconsideration and application to proceed on appeal in forma pauperis. The motions will be denied.

Local Rule 7.1(h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof. A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

In the present case, the arguments raised by Petitioner in his motion for reconsideration were already raised in the petition and rejected by the Court in its opinion dismissing the petition. Because

Petitioner is merely presenting issues which were already ruled upon by the court, either expressly or by reasonable implication, when the court denied his motion to amend, the motion for reconsideration will be denied. *See Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999).

Petitioner's application to proceed on appeal in forma pauperis is denied as moot. The opinion and order dismissing the petition already resolved this issue. Petitioner may renew this request in the Sixth Circuit.

Therefore, Petitioner motion for reconsideration is **DENIED**. [Dkt. 6].

Petitioner's application for leave to appeal in forma pauperis is **DENIED**. [Dkt. 9].

SO ORDERED.

S/Victoria A. Roberts
Honorable Victoria A. Roberts
United States District Judge

Dated: 11/4/2014